

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

LUIS ORTIZ,

Defendant.

ORDER

6:20-CR-06096 EAW

Currently pending before the undersigned are objections filed by the defendant Luis Ortiz (“Defendant”) (Dkt. 124) to a Report and Recommendation issued on May 6, 2021, by United States Magistrate Judge Mark W. Pedersen (Dkt. 113). The Report and Recommendation relates to Defendant’s motion to suppress evidence filed as part of omnibus motions on March 30, 2020. (Dkt. 102). On June 21, 2021, the government filed a memorandum in opposition to the objections (Dkt. 128), along with an unopposed motion for leave to file that memorandum out of time (Dkt. 129).

The government’s motion for leave to file its memorandum in opposition to the objections out of time is hereby granted. (Dkt. 129). Accordingly, as of June 21, 2021, the Court took the matter under advisement.

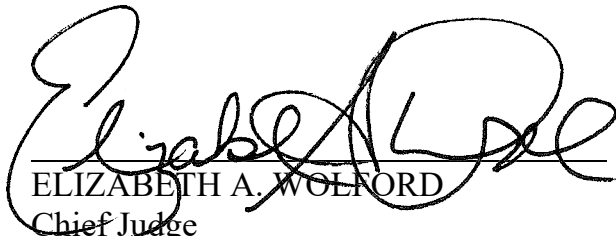
The Court’s review of the pending motion to suppress and objections to the Report and Recommendation is underway and a decision will be made with reasonable dispatch. However, it now appears that full consideration of Defendant’s motion to suppress and his objections to the Report and Recommendation will take additional time and that “it is . . . open to . . . [the court] to find that the interest of justice is best served by granting a

continuance under § 3161(h)(8) [now 18 U.S.C. § 3161(h)(7)] for the excess period.”
United States v. Bufalino, 683 F.2d 639, 645 (2d Cir. 1982).

Based upon the Court’s current examination of the several and myriad issues presented by the motions and further upon the Court’s findings that the interests of justice in a continuance override Defendant’s and the public’s interests in a more speedy trial, a further continuance is granted pursuant to § 3161(h)(7)(A) from July 21, 2021, until August 6, 2021, for the purposes of rendering a decision.

This order puts Defendant “on notice that the speedy trial clock has been stopped,” and it ensures that, “[i]f for any reason counsel believes that [an exclusion] is inappropriate, an objection may be raised and a record made” of the objection. *United States v. Tunnessen*, 763 F.2d 74, 78 (2d Cir. 1985); *see also United States v. Kiszewski*, 877 F.2d 210, 215 (2d Cir. 1989) (prosecutors are responsible along with the court in paying attention to *Tunnessen*).

SO ORDERED.


ELIZABETH A. WOLFORD
Chief Judge
United States District Court

Dated: July 21, 2021
Rochester, New York